

11/18/03

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
48930-01531

In Re Application of: **Phillips, Charlotte R. Legallee, Charles T. Markantes and Paul G. Coombs**

Serial No.
10/637,605

Filing Date
August 8, 2003

Examiner

Group Art Unit

Title: **MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS**

Address to:
Assistant Commissioner for Patents
Washington, D.C. 20231

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application; within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office Action on the merits, whichever event occurs last.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing of a national application, or the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or after the mailing date of a first Office Action on the merits, whichever occurred last but before the mailing date of either:

1. a Final Action under 37 CFR 1.113, or
 2. a Notice of Allowance under 37 CFR 1.311,
- whichever occurs first.

Also submitted herewith is:

- ☐ a certification as specified in 37 CFR 1.97(e);

OR

- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under 37 CFR 1.97(c).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

48930-01531

In Re Application Of: Roger W. Phillips, Charlotte R. Legallee, Charles T. Markantes and Paul G. Coombs

Serial No.

10/637,605

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August 8, 2003

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Group Art Unit

Title: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. _____) on _____

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

*This certificate may only be used if paying by deposit account.


Signature

Dated: 11/17/03

David O. Seeley, Reg. No. 30,148
Customer No. 34013
Holme Roberts & Owen LLP
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
(801) 521-5800

CC:



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

PHILLIPS, *et al.*

Serial No.: 10/637,605

Filed: August 8, 2003

Group Art Unit:

Examiner:

Attorney Docket No.: 48930-01531

For: **MULTI-LAYERED
MAGNETIC PIGMENTS AND
FOILS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV 300736867 US addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2003

Holme Roberts & Owen LLP

By: Nancy Flannigan
Nancy Flannigan

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. 1.56, it is respectfully requested that this *Information Disclosure Statement* be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed patents have not been included per the new Rule change. In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this *Information Disclosure Statement* is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in

37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

DOCUMENTS

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
2,570,856	10/09/51	Pratt, et al.
3,011,383	12/05/61	Sylvester, et al.
3,791,864	02/12/74	Steingroever
3,926,659	12/16/75	Bernhard, et al.
4,105,572	08/08/78	Gorondy
4,272,602	06/09/81	Stemme, et al.
4,323,904	04/06/82	Edwards, et al.
4,428,974	01/31/84	Okita, et al.
4,434,010	02/28/84	Ash
4,552,593	11/12/85	Ostertag
4,705,300	11/10/87	Berning, et al.
4,705,356	11/10/87	Berning, et al.
4,721,217	01/26/88	Phillips, et al.
4,756,771	07/12/88	Brodalla, et al.
4,779,898	10/25/88	Berning, et al.
4,838,648	06/13/89	Phillips, et al.
4,859,495	08/22/89	Peng, et al.
4,911,947	03/27/90	Melcher, et al.

4,930,866	06/05/90	Berning, et al.
4,978,394	12/18/90	Ostertag, et al.
5,002,312	06/26/91	Phillips, et al.
5,009,486	04/23/91	Dobrowolski, et al.
5,059,245	10/22/91	Phillips, et al.
5,084,351	01/28/92	Phillips, et al.
5,135,812	08/04/92	Phillips, et al.
5,171,363	12/15/92	Phillips, et al.
5,214,530	05/25/93	Coombs, et al.
5,217,804	06/08/93	James, et al.
5,242,617	09/07/93	Metzger, et al.
5,278,590	01/11/94	Phillips, et al.
5,279,657	01/18/94	Phillips, et al.
5,356,471	10/18/94	Reynders
5,362,315	11/08/94	Müller-Rees, et al.
5,364,467	11/15/94	Schmid, et al.
5,364,689	11/15/94	Kashiwagi, et al.
5,549,774	08/27/96	Miekkka, et al.
5,549,953	08/27/96	Li
5,571,624	11/05/96	Phillips, et al.
5,573,584	11/12/96	Ostertag, et al.
5,593,773	01/14/97	McKay, et al.
5,607,504	03/04/97	Schmid, et al.

5,624,076	04/29/97	Miekka, et al.
5,624,486	04/39/97	Schmid, et al.
5,629,068	05/13/97	Miekka, et al.
5,630,877	05/20/97	Kashiwagi, et al.
5,648,165	07/15/97	Phillips, et al.
5,672,410	09/30/97	Miekka, et al.
5,683,622	11/04/97	Krätzschmar, et al.
5,733,976	03/31/98	Sailer
5,763,086	06/09/98	Schmid, et al.
5,766,334	06/16/98	Hashizume, et al.
5,766,355	06/16/98	Bujard, et al.
5,766,738	06/16/98	Phillips, et al.
5,807,497	09/15/98	Gailberger, et al.
5,824,733	10/20/98	Döbert, et al.
5,830,567	11/03/98	Panush
5,851,277	12/22/98	Müller-Rees, et al.
5,858,078	01/12/99	Andes, et al.
5,877,895	03/02/99	Shaw, et al.
6,013,370	01/11/00	Coulter, et al.
6,103,361	08/15/00	Batzar, et al.
6,150,022	11/21/00	Coulter, et al.
6,157,489	12/05/00	Bradley, Jr., et al.
6,387,498-B1	05/14/02	Coulter, et al.

Foreign Patent Documents

<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
DE 39 38 055	05/23/91	Germany
DE 43 13 541	10/27/94	Germany
DE 43 40 141	06/01/95	Germany
DE 44 19 173	12/07/95	Germany
EP 353,544	07/02/90	Europe
EP 686,675	12/13/95	Europe
EP 710,508	10/27/95	Europe
EP927,749	07/07/99	Europe
EP 927,750	07/07/99	Europe
JP 10-147065	06/89	Japan
JP 56-130469	10/82	Japan
WO 96/22336	07/25/96	PCT

Other Documents

J.A. Dobrowolski, K.M. Baird, P.D. Carman and A. Waldorf, "*Optical Interference Coatings for inhibiting of Counterfeiting*," Optica Acta, 1973, Vol. 20. 12, Pages 925-937

John M. McKieman, et al., "*Luminescence and Laser Action of Coumarin Dyes Doped in Silicate and Aluminosilicate Glasses Prepared by the Sol-Gel Technique*," Journal of Inorganic and Organometallic Polymers, Vol. 1, No. 1, 87-103, 1991

The Mearl Corporation brochure for "*Mearl Iridescent Film*," Peekskill, New York

CHROMAFLAIR Light Interference Pigments, Technical Bulletin No. 2, "*Dynamic Color Area Diagram and Value*," TB-02-98

NPIRI Raw Materials Data Handbook, Volume 4 Pigments, 1983, "*Pigments are not Dyes*"


The Material Science of Thin Films, Milton Ohring, pages 487-489

Handbook of Chemistry and Physics, 79th Edition, 1998-1999, pages 12-115 – 12-116

Jeffrey I. Zink, et al., *"Optical Probes and Properties of Aluminosilicate Glasses Prepared by the Sol-Gel Method"*

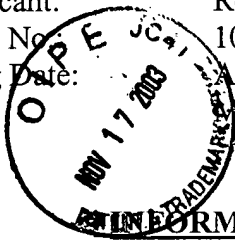
To the extent any additional fees are due in connection with this communication, Applicants request that they be withdrawn from deposit account no. 082665.

Respectfully submitted,

 11/17/03

David O. Seeley, Reg. No. 30,148
Customer No. 34013
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299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
(801) 521-5800

Applicant: Roger W. Phillips, et al.
 Serial No.: 10/637,605 Attorney Docket No.: 48930-01531
 Filing Date: August 8, 2003 Group: _____
 For: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS



INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue/Publication Date</u>	<u>Name</u>	<u>Sub Class</u>	<u>Class</u>	<u>Filing Date</u>
___ 1	2,570,856	10/09/51	Pratt, et al.	41	32	03/25/47
___ 2	3,011,383	12/05/61	Sylvester, et al.	88	1	04/30/57
___ 3	3,791,864	02/12/74	Steingroever	117	238	11/05/71
___ 4	3,926,659	12/16/75	Bernhard, et al.	106	291	03/15/74
___ 5	4,105,572	08/08/78	Gorondy	252	62.1	03/31/76
___ 6	4,272,602	06/09/81	Stemme, et al.	430	140	12/07/82
___ 7	4,323,904	04/06/82	Edwards, et al.	346	74.7	09/13/79
___ 8	4,428,974	01/31/84	Okita, et al.	427	44	12/07/82
___ 9	4,434,010	02/28/84	Ash	106	291	10/26/81
___ 10	4,552,593	11/12/85	Ostertag	106	291	10/03/83
___ 11	4,705,300	11/10/87	Berning, et al.	283	91	11/21/86
___ 12	4,705,356	11/10/87	Berning, et al.	350	166	07/13/84
___ 13	4,721,217	01/26/88	Phillips, et al.	215	230	08/07/86
___ 14	4,756,771	07/12/88	Brodalla, et al.	148	61	04/14/87
___ 15	4,779,898	10/25/88	Berning, et al.	283	58	08/21/87

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Roger W. Phillips, et al.

Serial No.: 4,837,605 Attorney Docket No.: 48930-01531

Filing Date: August 8, 2003 Group: _____

For: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS

____ 16	4,837,648	06/13/89	Phillips, et al.	350	166	05/03/88
____ 17	4,859,495	08/22/89	Peng, et al.	427	548	03/15/98
____ 18	4,911,947	03/27/90	Melcher, et al.	427	26	10/03/86
____ 19	4,930,866	06/05/90	Berning, et al.	350	320	06/10/88
____ 20	4,978,394	12/18/90	Ostertag, et al.	106	404	04/14/89
____ 21	5,002,312	06/26/91	Phillips, et al.	283	72	12/12/89
____ 22	5,009,486	04/23/91	Dobrowolski, et al.	350	164	03/23/89
____ 23	5,059,245	10/22/91	Phillips, et al.	106	22	09/26/88
____ 24	5,084,351	01/28/92	Phillips, et al.	428	411.1	03/29/89
____ 25	5,135,812	08/04/92	Phillips, et al.	428	403	03/27/91
____ 26	5,171,363	12/15/92	Phillips, et al.	106	22	06/21/91
____ 27	5,214,530	05/25/93	Coombs, et al.	359	359	11/27/91
____ 28	5,217,804	06/08/93	James, et al.	428	329	11/06/90
____ 29	5,242,617	09/07/93	Metzger, et al.	252	299.5	02/09/90
____ 30	5,278,590	01/11/94	Phillips, et al.	359	589	04/26/89
____ 31	5,279,657	01/18/94	Phillips, et al.	106	22	06/23/92
____ 32	5,356,471	10/18/94	Reynders	106	489	08/17/93
____ 33	5,362,315	11/08/94	Müller-Rees, et al.	106	493	11/22/93
____ 34	5,364,467	11/15/94	Schmid, et al.	106	404	04/20/93

Examiner: _____

Date Considered: _____

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Applicant: Roger W. Phillips, et al.
 Serial No.: 0/637,605 Attorney Docket No.: 48930-01531
 Filing Date: August 8, 2003 Group: _____
 For: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS

35	5,364,689	11/15/94	Kashiwagi, et al.	428	195	10/21/92
36	5,549,774	08/27/96	Miekka, et al.	156	209	05/11/92
37	5,549,953	08/27/96	Li	428	64.1	04/29/93
38	5,571,624	11/05/96	Phillips, et al.	428	403	12/15/94
39	5,573,584	11/12/96	Ostertag, et al.	106	417	11/30/93
40	5,593,773	01/14/97	McKay, et al.	428	328	07/23/93
41	5,607,504	03/04/97	Schmid, et al.	106	403	11/28/94
42	5,624,076	04/29/97	Miekka, et al.	241	3	06/07/95
43	5,624,486	04/39/97	Schmid, et al.	106	404	08/30/94
44	5,629,068	05/13/97	Miekka, et al.	428	148	06/07/95
45	5,630,877	05/20/97	Kashiwagi, et al.	118	623	05/25/95
46	5,648,165	07/15/97	Phillips, et al.	428	346	12/22/93
47	5,672,410	09/30/97	Miekka, et al.	428	148	02/09/93
48	5,683,622	11/04/97	Krätzschar, et al.	252	299.01	05/05/95
49	5,733,976	03/31/98	Sailer	525	100	02/15/96
50	5,763,086	06/09/98	Schmid, et al.	428	404	10/09/96
51	5,766,334	06/16/98	Hashizume, et al.	106	403	06/05/96
52	5,766,355	06/16/98	Bujard, et al.	106	404	04/23/97
53	5,766,738	06/16/98	Phillips, et al.	428	200	06/06/95

Examiner:

Date Considered:

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Applicant: Roger W. Phillips, et al.

Serial No.: 10/637,605 Attorney Docket No.: 48930-01531

Filing Date: August 8, 2003 Group: _____

For: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS

____ 54	5,807,497	09/15/98	Gailberger, et al.	252	299.01	05/18/95
____ 55	5,824,733	10/20/98	Döbert, et al.	524	506	04/26/95
____ 56	5,830,567	11/03/98	Panush	428	324	09/19/90
____ 57	5,851,277	12/22/98	Müller-Rees, et al.	106	287.35	07/08/97
____ 58	5,858,078	01/12/99	Andes, et al.	106	437	01/09/98
____ 59	5,877,895	03/02/99	Shaw, et al.	359	588	03/20/95
____ 60	6,013,370	01/11/00	Coulter, et al.	428	403	01/09/98
____ 61	6,103,361	08/15/00	Batzar, et al.	428	323	09/01/98
____ 62	6,150,022	11/21/00	Coulter, et al.	428	403	12/07/98
____ 63	6,157,489	12/05/00	Bradley, Jr., et al.	359	584	11/24/98
____ 64	6,387,498-B1	05/14/02	Coulter, et al.	428	403	04/07/00

Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office	Sub Class	Class	Trans- lation
____ 65	DE 39 38 055	05/23/91	Germany			No
____ 66	DE 43 13 541	10/27/94	Germany			No
____ 67	DE 43 40 141	06/01/95	Germany			No
____ 68	DE 44 19 173	12/07/95	Germany			No
____ 69	EP 353,544	07/02/90	Europe			Yes

Examiner: _____

Date Considered: _____

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Roger W. Phillips, et al.

Serial No.: 10/637,605 Attorney Docket No.: 48930-01531

Filing Date: August 8, 2003 Group: _____

For: MULTI-LAYERED MAGNETIC PIGMENTS AND FOILS

_____ 70	EP 686,675	12/13/95	Europe	Yes
_____ 71	EP 710,508	10/27/95	Europe	Yes
_____ 72	EP927,749	07/07/99	Europe	N/A
_____ 73	EP 927,750	07/07/99	Europe	N/A
_____ 74	JP 10-147065	06/89	Japan	No
_____ 75	JP 56-130469	10/82	Japan	No
_____ 76	WO 96/22336	07/25/96	PCT	No

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

- _____ 77 J.A. Dobrowolski, K.M. Baird, P.D. Carman and A. Waldorf, "*Optical Interference Coatings for inhibiting of Counterfeiting*," Optica Acta, 1973, Vol. 20. 12, Pages 925-937
- _____ 78 John M. McKiernan, et al., "*Luminescence and Laser Action of Coumarin Dyes Doped in Silicate and Aluminosilicate Glasses Prepared by the Sol-Gel Technique*," Journal of Inorganic and Organometallic Polymers, Vol. 1, No. 1, 87-103, 1991
- _____ 79 The Mearl Corporation brochure for "*Mearl Iridescent Film*," Peekskill, New York
- _____ 80 CHROMAFLAIR Light Interference Pigments, Technical Bulletin No. 2, "*Dynamic Color Area Diagram and Value*," TB-02-98
- _____ 81 NPIRI Raw Materials Data Handbook, Volume 4 Pigments, 1983, "*Pigments are not Dyes*"
- _____ 82 The Material Science of Thin Films, Milton Ohring, pages 487-489

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NOV 17 2003
PATENT & TRADEMARK OFFICE
ocket No. 03-30-0

- ### References Cited by Applicants

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142

Date Considered:

#157119 v1



EXPRESS MAIL NO.: EV 300736867 US

PATENT APPLICATION
Docket No: 48930-01531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roger W. Phillips et al.)
Serial No.: 10/637,605)
Filed: August 8, 2003)
For: MULTI-LAYERED MAGNETIC PIGMENTS)
AND FOILS)
Confirmation No.:)
Examiner:)

NOTICE OF CO-PENDING APPLICATIONS

Commissioner for Patents
P.O. Box: 1450
Alexandria, VA 22312-1450

Sir:

Applicant's hereby bring to the Examiner's attention the existence of the following co-pending applications directed to multilayered magnetic pigments:


Serial Number: 10/360,964

Serial Number: 10/328,509

Serial Number: 09/850,421

Dated this 17th day of November, 2003.

Respectfully submitted,



David O. Seeley, Reg. No. 30,148
Attorney for Applicants
Customer No. 34013
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 521-5800



PATENT APPLICATION
Docket No. 48930-01531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roger W. Phillips, et al.)
Serial No.: 10/637,605) Art Unit
Filed: August 8, 2003)
For: MULTI-LAYERED MAGNETIC)
PIGMENTS AND FOILS)

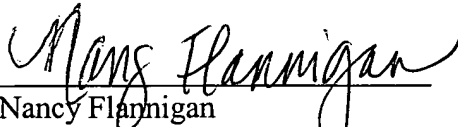
CERTIFICATE OF EXPRESS MAILING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the below listed documents are being deposited with the United States Postal Service, Express Mail EV 300736867 US under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Information Disclosure Statement
2. Form PTO-1449
3. Transmittal Letter
4. Notice of Co-Pending Applications
5. Return Receipt Postcard

Dated this 17th day of November, 2003.


Nancy Flannigan
Holme Roberts & Owen LLP
299 South Main Street, Suite 1800
Salt Lake City, Utah 84111
(801) 521-5800